

phone lines lying within the State of Texas, and individuals, corporations, companies and associations engaged in the telegraph and telephone business within the State of Texas; and to provide for the regulation and control of such telegraph lines and telephone lines within the State of Texas, and individuals, corporations, and companies and associations engaged in the telegraph and telephone business within the State of Texas and repealing all Acts and parts of Acts inconsistent with the provisions of this Act."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

WITT, Chairman.

(Minority Report.)

Hon. T. W. Davidson, President of the Senate.

Sir: We, a minority of your Committee on State Affairs, to whom was referred S. B. No. 389, have had the same under consideration and beg leave to report the same back to the Senate with the recommendation that it do pass, and be printed in the Journal.

WIRTZ.
WOOD.

Committee Room,

Austin, Texas, March 2, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 151, A bill to be entitled "An Act to amend Articles 7407, 7409, 7414, 7415 and 7416 of the Revised Civil Statutes of the State of Texas of 1911, relative to the taxation of the intangible assets of certain corporations, associations and individuals, and providing for the creation of a State tax board for the valuation of such intangible assets and for the distribution of said values for local taxation and for the assessment of said assets, and the levy and collection of taxes thereon; and to provide for the repeal of all laws and parts of laws laying taxes upon the gross incomes of corporations, associations and individuals affected by the provisions thereof, so that as by this Act amended said articles shall provide that other and additional individuals, corporations, companies and associations be included and made subject to the provisions

thereof; fixing the salary of the tax commissioner, and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

WITT, Chairman.

(Minority Report.)

Hon. T. W. Davidson, President of the Senate.

Sir: We, a minority of your Committee on State Affairs, to whom was referred H. B. No. 151, have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, and be printed in the Journal.

BAUGH.
WOOD.
WIRTZ.

THIRTY-EIGHTH DAY.

Senate Chamber,

Austin, Texas,

Saturday, March 3, 1923.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor T. W. Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

| | |
|------------|-----------|
| Bailey. | McMillin. |
| Baugh. | Murphy. |
| Bowers. | Parr. |
| Burkett. | Pollard. |
| Cousins. | Rice. |
| Darwin. | Ridgeway. |
| Davis. | Strong. |
| Doyle. | Thomas. |
| Dudley. | Turner. |
| Fairchild. | Watts. |
| Floyd. | Witt. |
| Holbrook. | Wood. |
| Lewis. | Woods. |

Absent.

Stuart.

Absent—Excused.

Bledsoe.
Clark.

Rogers.
Wirtz.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Wood.

(See appendix for committee reports and petitions.)

Excused.

Senator Wirtz for today, on account of important business, on motion of Senator Cousins.

Senator Clark for yesterday and today, on account of important business, on motion of Senator Bailey.

Senator Woods for balance of today and Monday, on account of important business, on motion of Senator Burkett.

Bills and Resolutions.

By Senator Dudley:

S. B. No. 420, A bill to be entitled "An Act providing for the purchase of a medal for each Texas soldier and sailor who served in the late war between the United States and Germany; providing for the appointment of a commission to adopt a suitable design for such medal; making an appropriation therefor; and declaring an emergency."

Read first time and referred to Committee on Finance.

Senate Concurrent Resolution No. 21.

By Senator Doyle:

Whereas, there are about 6,500 sailors in the Confederate Navy from the thirteen Confederate States, averaging 500 from each State, whose records of enlistment, service and discharge were destroyed when Richmond was evacuated; and

Whereas, their survivors find it difficult to secure pensions or gain admittance into soldiers' homes without such records; and

Whereas, there are to be found among the families of their descendants valuable papers consisting of official documents, letters and other data that will enable those records to be established; and

Whereas, Admiral A. O. Wright is now in Texas rescuing such records, which, when recovered, are to be placed in the historic archives of this State alongside those of the Confederate soldiers already on file there.

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

1. That the efforts of Admiral Wright and the surviving shipmates of the Confederate Navy to rescue

such records be endorsed and commended to the consideration and support of the people of Texas.

2. Further, that the municipal and patriotic organizations of Texas be requested to assist Admiral Wright by tag days and other methods of raising the necessary funds for that purpose, and, in order that his work be thorough, we request that all county and city officials and all benevolent organizations make a full investigation in their respective localities to ascertain all that can be learned whether or not there ever lived among them a Confederate sailor, and if so, advise the authorities in order that his case may be investigated and his record established.

3. Further, that a copy of these resolutions be sent to Admiral Wright.

The resolution was read and adopted.

S. B. No. 121 on Second Reading.

On motion of Senator Bowers, by unanimous consent, the regular order was suspended and the Senate took up out of its regular order,

S. B. No. 121, A bill to be entitled "An Act to amend Article 3107 of the Revised Civil Statutes of Texas of 1911, which relates to County Executive Committee, County and Precinct Chairmen elected at primaries, such committees now composed of one member from each voting or justice precinct in such county, as the party executive committee may direct, the members of such, as well as the County Chairman and a precinct chairman for each voting or justice precinct, as the case may be, are elected by the qualified voters of the county on primary election day by providing, that the County Executive Committee shall be composed of one member from each justice precinct in the county, and a County Chairman elected from the whole county; and providing that the members of the said committee shall be elected at the precinct conventions held on the primary election day; providing for the election of a County Chairman at the county convention held as provided for in Art. 3134, Revised Civil Statutes, and providing the time for said Executive Committee to begin their term of office;

and to repeal Art. 3108 of the Revised Civil Statutes of Texas of 1911, relating to a County Chairman of the Executive Committee, his election, member of the District Executive Committee, his term of office, etc., by providing that he shall be elected at the county convention of his party which is held as provided for in Art. 3134 of the Revised Statutes of the State of Texas, of 1911, and providing for the time for him to assume the duties of his office."

The bill was read second time and the committee report carrying the following amendments was adopted:

(1) That all after the enacting clause be stricken out and the following substituted therefor:

"Section 1. That Article 3107 of the Revised Civil Statutes of Texas, of 1911, be amended so as to read as follows:

Article 3107: There shall be for each political party required by this law to hold primary elections for nomination of its candidates, a county executive committee, to be composed of a county chairman and one member from each election precinct in such county; the committeeman from such election precinct shall be chairman of his election precinct, and the said county chairman shall be elected on the general primary day; the county chairman by the qualified voters of the whole county, and the precinct chairman by the qualified voters of their respective election precincts. That said county and precinct chairmen shall assume the duties of their respective offices on the second Monday in September of each year following the general primary election. Provided the said county chairman shall be ex-officio a member of the executive committee of all districts of which his county is a part, and the district committee thus formed shall elect its own chairman. Provided that in case of a vacancy occurring in the office of chairman, county or precinct, or any member of such committee, such vacancy shall be filled by a majority vote of said executive committee. The list of election precinct chairmen and the county chairman so selected, shall be certified by the county convention to the county

clerk, along with the other nominees of said party.

Section 2. Article 3108 of the Revised Civil Statutes of Texas of 1911, is hereby repealed, and all laws and parts of laws in conflict herewith are hereby repealed."

(2) That the caption to Senate Bill No. 121 be amended so as to read as follows:

"An Act to amend Article 3107 of the Revised Civil Statutes of Texas, of 1911, which relates to county executive committees, and county and precinct chairmen elected at primaries, by providing that the county executive committees shall be composed of one member from each voting precinct in such county, and one county chairman to be elected from the whole county, the said county chairman shall be elected by the qualified voters of the county, and the said precinct chairman from the qualified voters of their respective voting precinct on primary election day; further providing that each member of said executive committee shall be precinct chairman of his voting precinct; further providing that in case of a vacancy occurring in the office of chairman, county or voting, or any member thereof, such vacancy shall be filled by a majority vote of said executive committee; and further, providing that the said county chairman shall be ex-officio a member of the executive committee of all districts of which his county is a part, and the district committee thus formed shall elect its own chairman, and providing, further, that all county and voting precinct chairmen shall assume the duties of their respective offices on the second Monday in September following each primary election. And to repeal Article 3108 of the Revised Civil Statutes of Texas of 1911, relating to time when county chairmen shall assume their office."

Senator Bowers offered the following amendment to the bill:

Amend S. B. No. 121, page 4, lines 13 and 14, by striking out the following: "on the second Monday in September of each year following the general primary election," and inserting the following in lieu thereof: "On Saturday following the run-off

primary, immediately after the old committee has declared the results of the run-off primary election."

Senator Burkett moved to table the amendment and the motion to table was lost.

The amendment was adopted.

Senate Bill No. 121 was then passed to engrossment.

H. B. Nos. 37 and 38.

On motion of Senator Parr, House Bills Nos. 37 and 38 were laid on the table subject to call.

(Senator Dudley in the chair.)

H. B. No. 419 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 419, A bill to be entitled "An Act to amend Article 7017, Revised Civil Statutes, 1911, conferring authority upon the commissioners' courts of two or more counties to join in the construction of bridges and pay for the same out of the funds of the respective counties, and declaring an emergency."

The bill was read the third time and passed by the following vote:

Yeas—27.

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|------------|-----------|
| Bailey. | Murphy. |
| Baugh. | Parr. |
| Bowers. | Pollard. |
| Burkett. | Rice. |
| Cousins. | Ridgeway. |
| Darwin. | Stuart. |
| Davis. | Strong. |
| Doyle. | Thomas. |
| Dudley. | Turner. |
| Fairchild. | Watts. |
| Floyd. | Witt. |
| Holbrook. | Wood. |
| Lewis. | Woods. |
| McMillin. | |

Absent—Excused.

| | |
|----------|---------|
| Bledsoe. | Rogers. |
| Clark. | Wirtz. |

H. B. No. 476 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 476, A bill to be entitled "An Act repealing Chapter 30 of the General Laws of the Regular Session of the Thirty-seventh Legislature, which Chapter relates to the jurisdiction of the county court of Edwards County, and which vested in the county court of said county civil and criminal jurisprudence as provided by general laws for county courts; and reviving any and all laws which stand repealed by reason of said Chapter 30, General Laws, Regular Session Thirty-seventh Legislature and declaring an emergency."

The bill was read the third time and passed by the following vote:

Yeas—27.

| | |
|------------|-----------|
| Bailey. | Murphy. |
| Baugh. | Parr. |
| Bowers. | Pollard. |
| Burkett. | Rice. |
| Cousins. | Ridgeway. |
| Darwin. | Stuart. |
| Davis. | Strong. |
| Doyle. | Thomas. |
| Dudley. | Turner. |
| Fairchild. | Watts. |
| Floyd. | Witt. |
| Holbrook. | Wood. |
| Lewis. | Woods. |
| McMillin. | |

Absent—Excused.

| | |
|----------|---------|
| Bledsoe. | Rogers. |
| Clark. | Wirtz. |

H. B. No. 487 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 487, A bill to be entitled "An Act defining and regulating the practice of chiropody in the State of Texas; providing for the examination and registration of persons desiring to practice chiropody and the issuance of license therefor; providing for the creation of the State Board of Chiropody Examiners; prescribing fees that may be charged for registration; making it unlawful for any person not licensed under the law of this Act to practice chiropody; providing for the registration of persons who have been engaged in the practice of chiropody in other states; for the revocation of licenses granted by the

State Board of Chiropody Examiners for the State of Texas; prescribing fees to be charged by the State Board of Chiropody Examiners; defining offenses and prescribing penalties therefor, and declaring an emergency."

The bill was read third time and passed.

H. B. No. 494 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 494, A bill to be entitled "An Act creating a special road law for Fayette County; providing for a systematic method of road maintenance in harmony with the Davidson-Perkins Patrol Act; adapting the patrol system to the special wants of the county; providing for a budget system for the road and bridge funds of the county; authorizing and directing the commissioners' court to employ a practical road superintendent when in their judgment his services are necessary, and in the absence of such road superintendent making the commissioners such ex-officio road superintendent of his respective commissioners' precinct; prescribing the duties and liabilities of all persons subject to road duty; fixing penalties for the violation or neglect of such duty so imposed; providing that the Act shall be cumulative to existing laws where not in conflict therewith; providing for power and procedure for the protection of roads and highways against unusually heavy traffic, and declaring an emergency."

The bill was read the third time and passed by the following vote:

Yeas—27.

| | |
|------------|-----------|
| Bailey. | Murphy. |
| Baugh. | Parr. |
| Bowers. | Pollard. |
| Burkett. | Rice. |
| Cousins. | Ridgeway. |
| Darwin. | Stuart. |
| Davis. | Strong. |
| Doyle. | Thomas. |
| Dudley. | Turner. |
| Fairchild. | Watts. |
| Floyd. | Witt. |
| Holbrook. | Wood. |
| Lewis. | Woods. |
| McMillin. | |

Absent—Excused.

Bledsoe.
Clark.

Rogers.
Wirtz.

H. B. No. 504 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 504, A bill to be entitled "An Act creating and incorporating the Southland Independent School District in the counties of Garza, Lynn and Lubbock, in the State of Texas; defining the boundaries thereof; providing for a board of trustees, their election, terms of office, qualifications, powers, duties and authority; authorizing the board of trustees to levy, assess and collect taxes for maintenance and building purposes, and to issue bonds; providing for an assessor and collector of taxes and a board of equalization; providing that said Southland Independent School District shall assume and discharge its pro rata part of any and all bonds, indebtedness and interest thereon now in force against the Slaton Independent School District on terms named in this Act; providing that said Southland Independent School District shall assume and discharge all bonds and indebtedness existing against any common school district whose lands are included within the boundaries of the district hereby created; validating and continuing in force any and all taxes heretofore voted and now in force in any of the territory included within the boundaries of Southland Independent School District as created by this Act; providing that title to any and all property belonging to said district shall vest in the trustees of the independent school district hereby created; providing for filling vacancies on the board of trustees; providing for a seal for said district; providing that the board of trustees shall be governed by the General Laws of Texas in all matters where this Act is silent; repealing all laws in conflict herewith; providing that invalidation by the courts of any section or provision of this Act shall not invalidate any remaining provisions of this Act, and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—27.

| | |
|------------|-----------|
| Bailey. | Murphy. |
| Baugh. | Parr. |
| Bowers. | Pollard. |
| Burkett. | Rice. |
| Cousins. | Ridgeway. |
| Darwin. | Stuart. |
| Davis. | Strong. |
| Doyle. | Thomas. |
| Dudley. | Turner. |
| Fairchild. | Watts. |
| Floyd. | Witt. |
| Holbrook. | Wood. |
| Lewis. | Woods. |
| McMillin. | |

Absent.

Absent—Excused.

| | |
|----------|---------|
| Bledsoe. | Rogers. |
| Clark. | Wirtz. |

H. B. No. 505 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 505, A bill to be entitled "An Act to amend the special road law for Smith County, Texas, passed at the Regular Session of the Thirty-third Legislature, and known as Chapter 70, Special Laws of the Thirty-third Legislature, by providing that delinquent poll tax payers of Smith County shall be subject to road duty; prescribing penalties for failure to work the roads; providing for the payment of a sum of money in lieu of such road duty; providing how the law is to be enforced, and declaring an emergency."

The bill was read the third time and passed by the following vote:

Yeas—27.

| | |
|------------|-----------|
| Bailey. | Murphy. |
| Baugh. | Parr. |
| Bowers. | Pollard. |
| Burkett. | Rice. |
| Cousins. | Ridgeway. |
| Darwin. | Stuart. |
| Davis. | Strong. |
| Doyle. | Thomas. |
| Dudley. | Turner. |
| Fairchild. | Watts. |
| Floyd. | Witt. |
| Holbrook. | Wood. |
| Lewis. | Woods. |
| McMillin. | |

Absent—Excused.

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|----------|---------|
| Bledsoe. | Rogers. |
| Clark. | Wirtz. |

(Lieutenant Governor Davidson in the chair.)

H. B. No. 507 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 507, A bill to be entitled "An Act creating the Simmons Independent School District in Live Oak County, Texas, defining its boundaries; providing for a board of trustees; vesting title to all school property within said school district in the trustees; and their successors; charging said district with all indebtedness and the performance of all contracts of the school included within the district; providing that the board of trustees heretofore elected and now serving the Simmons Common School District No. 2, as now existing, shall continue in office for the district hereby created until the expiration of their term and their successors shall have been elected and qualified; authorizing the trustees to exercise all the rights and powers conferred by General Laws upon trustees of independent school districts created for school purposes only under the General Laws; validating and continuing in force the local maintenance taxes heretofore voted by the voters in the territory included within the district hereby created, by a uniform tax upon the whole district, increase or diminish the same, or until they abolish such taxes in accordance with the General Statutes; providing that if any part of this Act is held ineffective or unconstitutional, the remaining part of this Act shall not be invalidated; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—27.

| | |
|----------|------------|
| Bailey. | Doyle. |
| Baugh. | Dudley. |
| Bowers. | Fairchild. |
| Burkett. | Floyd. |
| Cousins. | Holbrook. |
| Darwin. | Lewis. |
| Davis. | McMillin. |

| | |
|-----------|---------|
| Murphy. | Thomas. |
| Parr. | Turner. |
| Pollard. | Watts. |
| Rice. | Witt. |
| Ridgeway. | Wood. |
| Stuart. | Woods. |
| Strong. | |

Absent—Excused.

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|----------|---------|
| Bledsoe. | Rogers. |
| Clark. | Wirtz. |

H. B. No. 508 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 508, A bill to be entitled "An Act to amend Section 3 of an act creating the Poteet Independent School District in Atascosa county, Texas, being Chapter 23 of the Acts of the Thirty-third Legislature, Regular Session; providing for the management and control of the public free schools within said district, and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—27.

| | |
|------------|-----------|
| Bailey. | Murphy. |
| Baugh. | Parr. |
| Bowers. | Pollard. |
| Burkett. | Rice. |
| Cousins. | Ridgeway. |
| Darwin. | Stuart. |
| Davis. | Strong. |
| Doyle. | Thomas. |
| Dudley. | Turner. |
| Fairchild. | Watts. |
| Floyd. | Witt. |
| Holbrook. | Wood. |
| Lewis. | Woods. |
| McMillin. | |

Absent—Excused.

| | |
|----------|---------|
| Bledsoe. | Rogers. |
| Clark. | Wirtz. |

H. B. No. 509 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 509, A bill to be entitled "An Act creating and incorporating the Levelland Independent School District, in Hockley county, Texas; defining the boundaries thereof; providing for a board of trustees, their

election, terms of office, qualifications, powers, duties and authority; authorizing the board of trustees to levy, assess and collect taxes for maintenance and building purposes, and to issue bonds; providing for an assessor and collector of taxes and a board of equalization; providing that said Levelland Independent School District shall assume and discharge its pro rata part of the bonds and interest thereon now in force against the Ropes Independent School District on terms named in this act as well as to its pro rata part of other indebtedness; continuing valid and binding obligations of said Ropes Independent School District; validating and continuing in force any and all taxes heretofore voted and now in force in any of the territory included within the boundaries of Levelland Independent School District as created by this act; providing that title to any and all property belonging to said district shall vest in the trustees of the independent school district hereby created; providing for filling vacancies on the board of trustees; providing for a seal for said district; providing that the board of trustees shall be governed by the General Laws of Texas in all matters where this Act is silent; repealing all laws in conflict herewith; providing that invalidation by the courts of any section or provision of this Act shall not invalidate any remaining provisions of this Act, and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—27.

| | |
|------------|-----------|
| Bailey. | Murphy. |
| Baugh. | Parr. |
| Bowers. | Pollard. |
| Burkett. | Rice. |
| Cousins. | Ridgeway. |
| Darwin. | Stuart. |
| Davis. | Strong. |
| Doyle. | Thomas. |
| Dudley. | Turner. |
| Fairchild. | Watts. |
| Floyd. | Witt. |
| Holbrook. | Wood. |
| Lewis. | Woods. |
| McMillin. | |

Absent—Excused.

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| Bledsoe. | Rogers. |
| Clark. | Wirtz. |

H. B. No. 518 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 518, A bill to be entitled "An Act creating the Brackett Independent School District in Kinney county, Texas; defining its boundaries, including the Brackett Independent School District; providing for a board of trustees in said district; conferring upon said district and its boards of trustees all the rights, powers, privileges and duties now conferred and imposed by the General Laws upon independent school districts and the boards of trustees thereof; providing that the present board of trustees shall continue in office until the expiration of their respective terms and validating their elections; providing that outstanding bonds shall remain chargeable against the territory which voted same; providing for an election for the purpose of assuming said bonded indebtedness by the district as herein created; providing for the appointment of an assessor and collector and board of equalization for said district; repealing laws in conflict herewith, and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—27.

| | |
|------------|-----------|
| Bailey. | Murphy. |
| Baugh. | Parr. |
| Bowers. | Pollard. |
| Burkett. | Rice. |
| Cousins. | Ridgeway. |
| Darwin. | Stuart. |
| Davis. | Strong. |
| Doyle. | Thomas. |
| Dudley. | Turner. |
| Fairchild. | Watts. |
| Floyd. | Witt. |
| Holbrook. | Wood. |
| Lewis. | Woods. |
| McMillin. | |

Absent—Excused.

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| Bledsoe. | Rogers. |
| Clark. | Wirtz. |

H. B. No. 519 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 519, A bill to be entitled "An Act validating Consolidated Com-

mon School District No. 1 of Castro County, Texas, and validating an issue of bonds heretofore voted by said district, and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—27.

| | |
|------------|-----------|
| Bailey. | Murphy. |
| Baugh. | Parr. |
| Bowers. | Pollard. |
| Burkett. | Rice. |
| Cousins. | Ridgeway. |
| Darwin. | Stuart. |
| Davis. | Strong. |
| Doyle. | Thomas. |
| Dudley. | Turner. |
| Fairchild. | Watts. |
| Floyd. | Witt. |
| Holbrook. | Wood. |
| Lewis. | Woods. |
| McMillin. | |

Absent—Excused.

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|----------|---------|
| Bledsoe. | Rogers. |
| Clark. | Wirtz. |

H. B. No. 566 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 566, A bill to be entitled "An Act to amend Chapter 87 of the Acts of the Regular Session of the Thirty-fifth Legislature and amendments thereof, by adding thereto a new section to be known as Section 138, and providing that the board of directors of a water improvement district may exclude from same without requiring an application therefor, lands which cannot be irrigated by gravity flow from the canal system as planned and constructed, and if the owner of such lands shall thereafter and within one year elect to place said lands or part thereof in cultivation by use of water from said irrigation system by means other than provided at the time said lands were excluded, same may be again included in said district upon the application of the owner thereof made as provided by law; providing the manner of excluding such lands in a district; also amending said Act by amending Section 8 of Chapter 13 of the Acts of the Thirty-seventh Legislature, Regular Session, which Act amended

said Chapter 87, Acts of Regular Session of the Thirty-fifth Legislature, providing for the organization and operation of water improvement districts. This Act amends Section 122 of said Chapter 87, Acts Regular Session Thirty-fifth Legislature, as amended by Section 8, Acts of the Regular Session of the Thirty-seventh Legislature and providing the manner and mode of levying and assessing taxes by such districts which may adopt the assessment of benefit plan of taxation, and that such districts may by election adopt a uniform basis of benefits apply to all lands irrigated by gravity flow from the canal system, and for a different basis of assessment on uniform basis on all lands classed as non-irrigable by gravity flow, and providing that if lands so classed as non-irrigable are thereafter irrigated the method of determining the amount of payments to be made thereon, the manner of adopting such assessments by election, declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—23.

| | |
|-----------|-----------|
| Bailey. | McMillin. |
| Baugh. | Murphy. |
| Bowers. | Parr. |
| Burkett. | Pollard. |
| Cousins. | Strong. |
| Darwin. | Thomas. |
| Davis. | Turner. |
| Doyle. | Watts. |
| Dudley. | Witt. |
| Floyd. | Wood. |
| Holbrook. | Woods. |
| Lewis. | |

Absent.

| | |
|------------|-----------|
| Fairchild. | Ridgeway. |
| Rice. | Stuart. |

Absent—Excused.

| | |
|----------|---------|
| Bledsoe. | Rogers. |
| Clark. | Wirtz. |

H. B. No. 528 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 528, A bill to be entitled "An Act taking certain territory from Common School District No. 16 of Baylor County and annexing the same to and making it part of Com-

mon School District No. 14 of Baylor County, and taking the remainder of the territory of said Common School District No. 16 and annexing the same unto Megargel Independent School District into a county line independent school district; conferring upon the same the powers now enjoyed by said Megargel Independent School District, and in addition thereto all of the powers which may be enjoyed or exercised by a county line independent school district; and providing for an election to adjust the territory thus attached to said independent school district, as to taxes which may be now levied upon said common school district and upon the property of said independent school district, and for an assumption by the said common school district and by said independent school district, respectively, of the pro rata taxes payable by said added territory on account of any outstanding bond issues which may exist against said common school district and against said independent school district, and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—27.

| | |
|------------|-----------|
| Bailey. | Murphy. |
| Baugh. | Parr. |
| Bowers. | Pollard. |
| Burkett. | Rice. |
| Cousins. | Ridgeway. |
| Darwin. | Stuart. |
| Davis. | Strong. |
| Doyle. | Thomas. |
| Dudley. | Turner. |
| Fairchild. | Watts. |
| Floyd. | Witt. |
| Holbrook. | Wood. |
| Lewis. | Woods. |
| McMillin. | |

Absent—Excused.

| | |
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| Bledsoe. | Rogers. |
| Clark. | Wirtz. |

H. B. No. 45 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 45, A bill to be entitled "An Act to prevent the selling of bass, white perch, crappie, channel or other catfish in the counties of

Burnet, Llano, San Saba, Brown, McCulloch, Edwards, Coleman, Concho, Menard, Blanco, Gillespie, Kimble, Sutton, Kinney, Uvalde, Real, Kerr, Val Verde, Bandera, Kendall, Comal, Reeves, Ward, Loving and Pecos, State of Texas; prohibiting the use of any seine, net, trap, or other device for taking or catching fish other than a minnow seine which shall not be more than twenty feet in length; limiting the size of fish which may be taken with a minnow seine; making it unlawful to violate any of the provisions of this law, and providing penalties for the violations thereof; providing that the district judge of the judicial districts in which these counties are situated shall give a special charge upon this law to the grand juries of said counties; and declaring an emergency."

The bill was read third time.

Senator Baugh offered the following amendment to the bill:

Amend House Bill No. 45, as printed in the Senate, pages 1 and 2, by striking out that portion of the caption after the semicolon, in line 30, page 1, immediately following the word "seine" and inserting in lieu thereof the following: "punishing persons who wilfully permit such fish to die out of the water; limiting the number of such fish any one person is allowed to catch in said counties in any one day to twenty-five (25); making it unlawful to violate any of the provisions of this Act, providing penalties for the violation thereof, and declaring an emergency."

The amendment was adopted by unanimous consent.

H. B. No. 45 was then passed by the following vote:

Yeas—24.

| | |
|------------|-----------|
| Bailey. | Lewis. |
| Baugh. | McMillin. |
| Bowers. | Murphy. |
| Burkett. | Parr. |
| Cousins. | Pollard. |
| Darwin. | Ridgeway. |
| Davis. | Strong. |
| Doyle. | Thomas. |
| Dudley. | Turner. |
| Fairchild. | Watts. |
| Floyd. | Witt. |
| Holbrook. | Wood. |

Absent.

| | |
|---------|--------|
| Rice. | Woods. |
| Stuart. | |

Absent—Excused.

| | |
|----------|---------|
| Bledsoe. | Rogers. |
| Clark. | Wirtz. |

H. B. No. 93 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage.

H. B. No. 93, A bill to be entitled "An Act to make appropriation to pay off that certain note executed by the Prison Commission to Bassett Blakeley for the purchase of certain mules, and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—21.

| | |
|------------|-----------|
| Baugh. | Murphy. |
| Burkett. | Parr. |
| Cousins. | Pollard. |
| Davis. | Ridgeway. |
| Doyle. | Strong. |
| Dudley. | Thomas. |
| Fairchild. | Turner. |
| Floyd. | Watts. |
| Holbrook. | Witt. |
| Lewis. | Wood. |
| McMillin. | |

Nays—1.

Bowers.

Present—Not Voting.

Bailey.

Absent.

| | |
|---------|---------|
| Darwin. | Stuart. |
| Rice. | Woods. |

Absent—Excused.

| | |
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| Bledsoe. | Rogers. |
| Clark. | Wirtz. |

H. B. No. 29 on Third Reading.

The Chair laid before the Senate as regular order on its third reading and final passage.

H. B. No. 29, A bill to be entitled "An Act to amend Article 2, Title 1, of the Revised Civil Statutes of the State of Texas, 1911, relating to the adoption of heirs, so as to permit the adoption of minors only as legal heirs, and defining and designating the rights,

privileges and inheritance of heirs by adoption, and declaring an emergency."

The bill was read third time and passed.

H. B. No. 410 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 410, A bill to be entitled "An Act requiring the erection of adequate fire escapes on certain classes of three or more story buildings now or hereafter constructed in this State, and making it the duty of the owners of such buildings and the duty of all boards, commissions, boards of trustees of public schools, county commissioners' courts, city councils, boards of city commissioners, and all officials having charge or supervision of public buildings within the provisions of this Act and now owned by this State or by any county, city, town or school district to provide such buildings with adequate fire escapes; defining the terms 'owner,' 'story' and 'adequate fire escape,' and fixing minimum specifications for adequate fire escapes and requiring the maintenance of exit and guide lights and signs to fire escapes and making it an offense to obstruct the free access to any fire escape; fixing the time within which such buildings shall be equipped with fire escapes and exempting from this Act certain buildings already equipped with fire escapes meeting certain requirements; fixing penalties for the violation of any provision of this Act by owners of buildings, and making it an offense for any person as agent to represent a non-resident owner of any building within the provisions of this Act, who fails to comply with this Act and fixing penalty therefor; providing that the State Fire Marshall shall have general supervision of the enforcement of this Act and making it his duty and the duty of certain other officials to give notice of the provisions of the Act and file complaints for violation of its provisions, and authorizing private persons to file such complaints, and making it the duty of county attorneys and district attorneys under certain conditions to prosecute such complaints; providing that the Attorney General and county and district attor-

neys may proceed by suit or injunction to enforce the provisions of this Act, and permitting such suits to be prosecuted on the relation of said officials or of the State Fire Marshal or any inspector of the State Fire Commission, or the chief of any fire department or the fire marshall of any city or town, or of any private person, and authorizing district courts and judges thereof to issue mandatory injunctions and other writs to enforce the provisions of this Act; providing that if any section, paragraph or provision of this Act shall be held unconstitutional, that such holding shall not affect the remaining sections, paragraphs or provisions hereof; repealing Chapter 70, of the Acts of the Regular Session of the Thirtieth Legislature, passed and approved April 6, 1907, and Chapter 12, of the Acts of the Regular Session of the Thirty-fourth Legislature, passed and approved February 16, 1915, and Chapter 140, of the Acts of the Regular Session of the Thirty-fifth Legislature, passed and approved March 30, 1917, all relating to fire escapes, and also repealing Article 861 to 867, inclusive, of the Penal Code of the Revised Criminal Statutes of 1911, and all laws and parts of laws in conflict with this Act, and declaring an emergency."

The bill was read third time and passed.

H. B. No. 33 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 33, A bill to be entitled "An Act requiring the labeling of all cloth, fabric, garments or articles of apparel sold or offered for sale in this State which contain wool or purport to contain wool, and samples containing or purporting to contain wool displayed in this State in soliciting orders, and providing for punishment for violation of this Act."

The bill was read third time and passed.

H. C. R. No. 26.

The Chair laid before the Senate as regular order, H. C. R. No. 26, as follows:

Resolved by the House of Representatives, the Senate concurring,

That the joint rules of the Senate and House, as printed in the Legislative Manual of the Thirty-seventh Legislature, be adopted as the joint rules of the Thirty-eighth Legislature.

The resolution was read and adopted.

S. J. R. No. 13 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

S. J. R. No. 13, A joint resolution Amending Section 9 of Article 8 of the State of Texas, providing that the Legislature may authorize an annual ad valorem tax to be levied and collected for the further maintenance of the public roads; provided that a majority of the qualified property taxpaying voters of the county voting at an election to be held for that purpose shall vote such tax not to exceed one dollar on the one hundred dollars valuation of the property subject to taxation in such county.

The resolution was read third time and passed by the following vote:

Yeas—23.

| | |
|------------|-----------|
| Bailey. | Lewis. |
| Baugh. | Murphy. |
| Bowers. | Parr. |
| Burkett. | Pollard. |
| Cousins. | Ridgeway. |
| Darwin. | Strong. |
| Davis. | Thomas. |
| Doyle. | Turner. |
| Dudley. | Watts. |
| Fairchild. | Witt. |
| Floyd. | Wood. |
| Holbrook. | |

Nays—2.

| | |
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| McMillin. | Woods. |
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Absent.

| | |
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| Rice. | Stuart. |
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Absent—Excused.

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| Bledsoe. | Rogers. |
| Clark. | Wirtz. |

S. B. No. 357 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

S. B. No. 357, A bill to be entitled "An Act to release the property of the Timpson & Henderson Railway Company from the payment of taxes levied against it for State and county purposes, in the counties of Rusk, Panola and Shelby, for the years 1917 to 1922 by reason of public calamity, and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—21.

| | |
|------------|-----------|
| Bailey. | Lewis. |
| Baugh. | Murphy. |
| Bowers. | Pollard. |
| Cousins. | Ridgeway. |
| Darwin. | Strong. |
| Davis. | Thomas. |
| Doyle. | Watts. |
| Dudley. | Witt. |
| Fairchild. | Wood. |
| Floyd. | Woods. |
| Holbrook. | |

Nays—2.

| | |
|---------|-----------|
| Turner. | McMillin. |
|---------|-----------|

Absent.

| | |
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| Burkett. | Rice. |
| Parr. | Stuart. |

Absent—Excused.

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| Bledsoe. | Rogers. |
| Clark. | Wirtz. |

S. B. No. 132 on Passage to Third Reading.

Senator Ridgeway called up Senate Bill No. 132, relating to county auditors, which was read second time on February 24 and laid on the table subject to call.

The Chair laid the bill before the Senate, with the following amendment by Senator Woods pending:

Amend Senate Bill No. 132 as follows:

Strike out all of Article 1460 from and after the comma following the word "qualified" on line 29, page 1, of the bill, down to and including the word "court" on line 3, page 32, of the bill, and insert in lieu thereof the following:

"And who shall receive as compensation for his services an annual salary to be fixed by the county commissioners' court, not to be less than eighteen hundred dollars (\$1,800.00)

and not to be more than thirty-six hundred dollars (\$3,600.00), to be paid in monthly installments out of the general funds of the county, upon orders of the commissioners' court. In fixing the salary the commissioners' court may take into consideration the population of the county and assessed values thereof, and the amount and nature of the duties and responsibilities of the office in such county. Said salary shall be fixed by said court at the time of the beginning of his term of office, and shall not be increased or diminished during said term of office."

The amendment was adopted.

Senator Fairchild offered the following amendment to the bill:

Amend Senate Bill No. 132, page 1, line 26, after the word "there" and before the word "be," by striking out the word "shall" and inserting in lieu thereof the word "may."

The amendment was adopted.

Senator Floyd offered the following amendment to the bill:

Amend Senate Bill No. 132, page 1, line 24, by striking out the words "forty thousand" and insert in lieu thereof the words "thirty-five thousand."

The amendment was adopted.

Senate Bill No. 32 was then passed to engrossment.

S. B. No. 412 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

S. B. No. 412, A bill to be entitled "An Act to amend Chapter 18, Special Laws, Thirty-seventh Legislature, First Called Session, incorporating the Fruitvale Independent School District in Van Zandt County, Texas, providing for the maintenance of the elementary schools in said district, and declaring an emergency."

The bill was read third time and under the Senate rules the Chair then laid before the Senate on its second reading and passage to third reading.

H. B. No. 666, A bill to be entitled "An Act to amend Chapter 18, Special Laws, Thirty-seventh Legislature, First Called Session, incorporating the Fruitvale Independent School District in Van Zandt County, Texas;

providing for the maintenance of elementary schools in said district, and declaring an emergency."

Being a bill on the same subject; the bill was read second time, the committee report that it be not printed was adopted, and the bill passed to third reading.

S. B. No. 275 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

S. B. No. 275, A bill to be entitled "An Act to permit boards of trustees of religious, charitable, educational, or eleemosynary institutions to be affiliated with, elected, and controlled by a convention, conference, or association, incorporated or unincorporated, organized under the laws of this or another State whose membership is composed of representatives, delegates, or messengers from any church or other religious association; also to permit such institutions to acquire, own, hold, mortgage, and dispose of property, real and personal, within this State, in furtherance of the purposes of the organization."

The bill was read third time and passed.

S. B. No. 234 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

S. B. No. 234, A bill to be entitled "An Act to amend Article 3833 of Chapter 4 of the General Laws of the State of Texas as passed by the Thirty-sixth Legislature at its Third Called Session, 1920, entitled 'An Act to amend Article 3883 of Chapter 130 of the General Laws of the State of Texas passed by the Thirty-fifth Legislature at its Regular Session, regulating the fees allowed county officers in certain counties in this State and declaring an emergency,' so as to add to and include in the counties of this State therein referred to counties in this State wherein the taxable values are not less than \$40,000,000, nor more than \$60,000,000, and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—14.

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|------------|-----------|
| Bailey. | Holbrook. |
| Bowers. | Murphy. |
| Burkett. | Pollard. |
| Davis. | Ridgeway. |
| Doyle. | Thomas. |
| Dudley. | Watts. |
| Fairchild. | Witt. |

Nays—7.

| | |
|-----------|---------|
| Baugh. | Stuart. |
| Floyd. | Turner. |
| McMillin. | Wood. |
| Parr. | |

Absent.

| | |
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| Cousins. | Rice. |
| Darwin. | Strong. |
| Lewis. | |

Absent—Excused.

| | |
|----------|--------|
| Bledsoe. | Wirtz. |
| Clark. | Woods. |
| Rogers. | |

S. B. No. 8 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

S. B. No. 8, A bill to be entitled "An Act to repeal Article 809 of the Code of Criminal Procedure, 1911, and to amend Article 810 of the Code of Criminal Procedure, 1911, so that the same shall hereafter provide that no statement, oral or written, made by any person charged with any crime, shall be used or offered in evidence in the trial of any cause against him."

The bill was read third time and passed.

S. B. No. 325 on Third Reading.

The Chair laid before the Senate as regular, order, on its third reading and final passage,

S. B. No. 325, A bill to be entitled "An Act amending Articles 10, 15, 27, 31, 32, 39, 40, 50, 53 and 63 of an Act passed at the First Called Session of the Thirty-sixth Legislature of the State of Texas, entitled 'An Act creating the office of Game, Fish and Oyster Commissioner, providing for the protection of fish and other marine life, being S. B. No. 107, Chapter 73, of the General Laws of the said First Called Session, changing certain penalties

therein, making necessary changes in regulations, repealing all laws in conflict herewith, and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—21.

| | |
|------------|----------|
| Bailey. | Murphy. |
| Baugh. | Parr. |
| Bowers. | Pollard. |
| Burkett. | Rice. |
| Davis. | Stuart. |
| Doyle. | Thomas. |
| Dudley. | Turner. |
| Fairchild. | Watts. |
| Floyd. | Witt. |
| Holbrook. | Wood. |
| McMillin. | |

Absent.

| | |
|----------|-----------|
| Cousins. | Ridgeway. |
| Darwin. | Strong. |
| Lewis. | |

Absent—Excused.

| | |
|----------|--------|
| Bledsoe. | Wirtz. |
| Clark. | Woods. |
| Rogers. | |

S. B. No. 338 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

S. B. No. 338, A bill to be entitled "An Act to amend Sec. 52 of Article 30, Title 5 of the Revised Statutes, changing the time of holding the terms of the District Court the Fifty-second Judicial District of Texas, repealing all laws in conflict therewith, and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—22.

| | |
|-----------|-----------|
| Bailey. | McMillin. |
| Baugh. | Parr. |
| Bowers. | Pollard. |
| Burkett. | Rice. |
| Cousins. | Ridgeway. |
| Darwin. | Stuart. |
| Davis. | Thomas. |
| Doyle. | Turner. |
| Dudley. | Watts. |
| Floyd. | Witt. |
| Holbrook. | Wood. |

Absent.

| | |
|------------|---------|
| Fairchild. | Murphy. |
| Lewis. | Strong. |

Absent—Excused.

Bledsoe.
Clark.
Rogers.

Wirtz.
Woods.

S. B. No. 252 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

S. B. No. 252, A bill to be entitled "An Act to amend Article 1064 of the Revised Civil Statutes of the State of Texas of 1911, so as to provide means for the settlement of debts of municipal corporations where abolished or where de facto municipal corporations are heretofore or hereafter declared void by a court of competent jurisdiction; and by adding after said Article a new article to be known as Article 1064a, so as to provide that holders of indebtedness of such municipal corporations may maintain suit in proper court and have service on named officials and judgment as if such corporation had not been dissolved."

The bill was read third time and passed.

S. B. No. 285 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

S. B. No. 285, A bill to be entitled "An Act amending Section 1 of Chapter 5 of the General Laws of the First Called Session of the Thirty-fifth Legislature and providing for the fixing of an indeterminate sentence upon conviction for a felony; and providing for conditional pardon of persons convicted of felony under certain conditions."

The bill was read third time.

Senator Cousins offered the following amendment to the bill:

Amend caption of Senate Bill No. 285 by striking out all above enacting clause and inserting the following:

A bill to be entitled

"An Act to amend Section 1 of Chapter 5 of the General Laws of the First Called Session of the Thirty-third Legislature relating to indeterminate sentences, for the purpose of this amendment being to provide for the parole of convicts under indeterminate sentence upon certain conditions, and provided that this Act shall apply

to convicts now serving indeterminate sentences in the penitentiary as well as to those who shall hereafter be sentenced to indeterminate term of imprisonment in the penitentiary.

Strike out all after Section 1, on page 1, line 16, to the end of said Section 1, and insert the following:

"That whenever any person seventeen years of age or over shall be on trial for any felony, the jury trying said cause shall not only ascertain whether or not said person is guilty of the offense charged in the indictment, if said person is found guilty, but shall also in the verdict assess the punishment or penalty within the period of time fixed by law as the maximum and minimum penalty for such offense, provided, if the jury shall assess the punishment of such offense at a longer period of time than the minimum period of imprisonment in the penitentiary for such offense, then the judge presiding in such cases, in passing sentence on such person, instead of pronouncing a definite time of imprisonment in the penitentiary on such person so convicted, he shall pronounce upon such person an indeterminate sentence of imprisonment in the penitentiary, fixing in such sentence the minimum and maximum terms thereof, fixing in such sentence as the minimum time of imprisonment in the penitentiary of time now or hereafter prescribed by law as the minimum time of imprisonment in the penitentiary and as the maximum time of such imprisonment the term fixed by the jury in their verdict as punishment for such offense; provided that if the punishment assessed by the jury shall be pecuniary fine only, or imprisonment in the county jail, or both fine and imprisonment, then the provision of this Act shall not apply.

Provided, that where the maximum sentence is not over four times as great as the minimum sentence, and the convict has served the minimum sentence, and has a perfect prison record; or where the maximum sentence is a term of four years greater than four times the minimum sentence and the convict has served one-fourth of the maximum sentence and has a perfect prison record, he may be paroled for the remainder of his term under such rules and regulations as may be prescribed by the Governor.

Such parole shall be conditioned upon good behavior, or such other conditions as the Governor may see fit to insert therein, and the Governor shall be the exclusive judge of whether the conditions have been violated without judicial ascertainment. If a convict shall violate any of the conditions of such parole, he shall be returned to the State penitentiary upon orders of the Governor, and shall serve out the remainder of his sentence without receiving the benefit of the time he was at large under such parole. Provided further that this law is not intended, nor shall it interfere in any way with the pardoning power of the Governor under the Constitution. The provisions of this Act shall apply to all convicts now serving indeterminate sentences in the penitentiary, as well as to those who may hereafter be sentenced to confinement in the penitentiary for an indeterminate term.

The amendments were adopted by unanimous consent, and the bill was then finally passed.

S. B. No. 294—Free Conference Committee Report.

Senator Davis called up the Free Conference Committee report on S. B. No. 294.

The Chair laid before the Senate, the report of the Free Conference Committee which was read as follows:

Committee Room.

Austin, Texas, March 3, 1923.

Hon. T. W. Davidson, President of the Senate, Hon. R. E. Seasler, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, to whom was referred H. B. No. 294, have carefully considered the same and beg leave to report the following:

We recommend that the following amendment be adopted:

Amend H. B. No. 294 by striking out all of Sec. 3 and insert in lieu thereof the following:

Sec. 3. The counties of Randall, Potter and Armstrong shall hereafter constitute the Forty-seventh Judicial District of Texas, and the terms of the district court shall be held therein each year as follows:

In Randall County: First term beginning on the first Monday of January, second term beginning on the first Monday in August and each term may continue in session three weeks.

In Potter County: First term beginning on the fourth Monday in January and may continue in session ten weeks; second term beginning on the twelfth Monday after the fourth Monday in January and may continue in session ten weeks; third term beginning on the fourth Monday in August and may continue in session eight weeks; fourth term to begin on the eleventh Monday after the fourth Monday in August and may remain in session until the business is disposed of.

In Armstrong County: On the tenth Monday after the fourth Monday in January and the ninth Monday after the fourth Monday in August and may continue in session two weeks at each term.

We further recommend that the House concur in the Senate amendments in all other matters.

STRONG.

DAVIS.

On the part of the Senate.

STOREY.

YOUNG.

BRYANT.

SATTERWHITE.

On the part of the House.

On motion of Senator Davis the report was adopted.

S. B. Nos. 185 and 257.

On motion of Senator Bowers, S. B. Nos. 185 and 257 were laid on the table subject to call, and the following proposed amendments ordered printed in the Journal.

(1)

Amend printed S. B. No. 185, page 6, line 14, by adding the following: "which shall include the study of the Constitutions of Texas and the United States."

(2).

Amend the Caption of printed S. B. No. 185, page 5, line 31, by adding after the word development, the following: "providing for the study of the Constitutions of Texas and the United States."

(3).

Amend S. B. No. 257, page 4, by striking out the word "fourteen" and inserting in the place thereof the word "sixteen."

(4).

Amend S. B. No. 257, page 4, line 5, by striking out the figures "100" and inserting in the place thereof the figures "120."

S. B. No. 379 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

S. B. No. 379, A bill to be entitled "An Act to prohibit the hunting or taking of wild game birds and wild game fowls and wild animals from an airplane, a powerboat, a sailboat, any boat under sail, or any floating device towed by powerboat or sailboat; prescribing penalties for the violation of its provisions providing for the Game, Fish and Oyster Commissioner and his deputies to have jurisdiction in the enforcement of same; and declaring an emergency."

The bill was read third time and passed.

S. B. No. 390 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

S. B. No. 390, A bill to be entitled "An Act amending Section 2 of Senate Bill No. 25, Chapter 1, of the Special Laws of the State of Texas, passed at the First Called Session of the Thirty-seventh Legislature in 1921, and providing for that portion of the land hereby segregated from the Bowie Independent School District to bear its proportionate part of any bonded indebtedness now chargeable against that portion of the district hereby segregated and adding Section 2a and Section 2b."

The bill was read third time, and on motion of Senator Rice, was laid on the table, subject to call.

S. B. No. 322 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

S. B. No. 322, A bill to be entitled "An Act providing that it shall be unlawful for the owner, keeper or person in control of any dog accustomed to run, worry or kill goats and sheep, knowing such dog to be so accustomed to run, worry or kill goats or sheep, to permit such dog to run at large; providing penalties, and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—21.

| | |
|------------|-----------|
| Bailey. | Holbrook. |
| Baugh. | McMillin. |
| Bowers. | Murphy. |
| Burkett. | Pollard. |
| Cousins. | Ridgeway. |
| Darwin. | Strong. |
| Dav's. | Thomas. |
| Doyle. | Turner. |
| Dudley. | Watts. |
| Fairchild. | Witt. |
| Floyd. | |

Nays—2.

| | |
|-------|-------|
| Parr. | Wood. |
|-------|-------|

Present—Not Voting.

Stuart.

Absent.

Lewis.

Rice.

Absent—Excused.

Bledsoe.

Wirtz.

Clark.

Woods.

Rogers.

H. B. No. 136 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage

H. B. No. 136, A bill to be entitled "An Act amending Section 39 of Chapter 42, General Laws of the First Called Session of the Thirty-seventh Legislature, relative to public roads and highways, so as to except and exempt from the provisions of said chapter the county of Marion, and declaring an emergency."

The bill was read third time and passed.

S. B. No. 176 on Second Reading.

On motion of Senator Wood, by unanimous consent, the regular order was suspended and the Senate took up out of its regular order,

S. B. No. 176, A bill to be entitled "An Act changing the name of the State Normal Colleges of this State; and declaring an emergency."

The bill was read second time and it was passed to engrossment.

S. B. No. 308 on Second Reading.

On motion of Senator Holbrook, by unanimous consent, the regular

order was suspended and the Senate took up out of its regular order,

S. B. No. 308, A bill to be entitled "An Act to prevent lotteries."

The bill was read second time, and, on motion of Senator Holbrook, was laid on the table, subject to call.

H. B. No. 576 on Second Reading.

On motion of Senator Floyd, by unanimous consent, the regular order was suspended and the Senate took up out of its order,

H. B. No. 576, A bill to be entitled "An Act amending Chapter 52 of the Special and Local Laws, passed by the Thirty-seventh Legislature at its First Called Session, by adding thereto Section 3a, providing for the assumption and refunding by the Cooper Independent School District of all or any part of the indebtedness, bonded or otherwise, of the city of Cooper, Texas, created for school purposes, and declaring an emergency."

The Chair laid the bill before the Senate, it was read second time, the committee report that the bill be not printed was adopted, and the bill passed to third reading.

H. B. No. 546 on Second Reading.

On motion of Senator McMillin, by unanimous consent, the regular order was suspended and the Senate took up out of its order,

H. B. No. 546, A bill to be entitled "An Act to validate Simmons Common School District No. 7 in Grayson County, Texas, as re-defined and re-established by order of the county school trustees of Grayson County, Texas, on February 12, 1923, and Common County Line School District No. 8 as re-defined and re-established by an order of the county school trustees of Grayson County, Texas, on February 12, 1923, and by an order of the county school trustees of Collin County, Texas, on February 13, 1923."

The Chair laid the bill before the Senate, it was read second time, the committee report that the bill be not printed was adopted, and the bill was passed to third reading.

H. B. No. 546 on Third Reading.

On motion of Senator McMillin, the constitutional rule requiring bills to be read on three several days in each house was suspended, and House Bill No. 546 was put upon its third reading and final passage by the following vote:

Yeas—26.

| | |
|------------|-----------|
| Bailey. | McMillin. |
| Baugh. | Murphy. |
| Bowers. | Parr. |
| Burkett. | Pollard. |
| Cousins. | Rice. |
| Darwin. | Ridgeway. |
| Davis. | Stuart. |
| Doyle. | Strong. |
| Dudley. | Thomas. |
| Fairchild. | Turner. |
| Floyd. | Watts. |
| Holbrook. | Witt. |
| Lewis. | Wood. |

Absent—Excused.

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| Bledsoe. | Wirtz. |
| Clark. | Woods. |
| Rogers. | |

The Chair then laid House Bill No. 546 before the Senate on its third reading and final passage.

The bill was read third time and passed.

S. J. R. No. 5 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

S. J. R. No. 5,

"Relating to the amending of the Constitution of the State of Texas, abolishing the office of County Treasurer, and devolving the duties of said office upon the County Depository."

The resolution was read second time and passed to engrossment by the following vote:

Yeas—24.

| | |
|------------|-----------|
| Bailey. | McMillin. |
| Baugh. | Murphy. |
| Burkett. | Pollard. |
| Cousins. | Rice. |
| Darwin. | Ridgeway. |
| Davis. | Stuart. |
| Doyle. | Strong. |
| Dudley. | Thomas. |
| Fairchild. | Turner. |
| Floyd. | Watts. |
| Holbrook. | Witt. |
| Lewis. | Wood. |

Nays—1.

Parr.

Absent.

Bowers.

Absent—Excused.

Bledsoe.

Wirtz.

Clark.

Woods.

Rogers.

S. B. No. 354.

On motion of Senator Rice, S. B. No. 354 was laid on the table subject to call.

Recess.

Senator Baugh moved that the Senate stand adjourned until 10 o'clock a. m. Monday, and the motion was lost.

On motion of Senator Holbrook, the Senate at 12:25 p. m. recessed until 2:30 p. m. today.

Afternoon Session.

The Senate met at 2:30 p. m. and was called to order by Lieutenant Governor Davidson.

S. B. No. 189 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading.

S. B. No. 189, A bill to be entitled "An Act to amend Article 2894, R. S. 1911, reducing the scholastic age to six years and removing the maximum limit of free school age."

The bill was read second time and passed to engrossment.

S. B. No. 175 on Passage to Third Reading.

Senator Davis called up S. B. No. 175 relating to anti-pass law which was read the second time on Feb. 22, and laid on the table subject to call.

The Chair laid the bill before the Senate, with amendment by Senator Clark pending.

On motion of Senator Davis, the amendment was tabled.

S. B. No. 175 was then passed to engrossment.

S. B. No. 308 on Passage to Third Reading.

Senator Holbrook called up S. B. No. 308 relating to Loan Companies, which was read the second time on this morning and laid on the table subject to call.

The Chair laid the bill before the Senate.

Senator Holbrook offered the following amendment to the bill:

Amend S. B. No. 308 by striking out all words beginning with the word "two" line 12, page 1 and ending with the word "penitentiary" line 13, page 1, and substituting therefor the following words and figures: "confinement in the county jail for not more than two (2) years during all of which time he may be worked upon the county public roads."

The amendment was adopted.

Question then recurred on the engrossment of the bill.

Yeas and nays were demanded, and S. B. No. 308 failed to pass to engrossment by the following vote:

Yeas—9.

Burkett.
Cousins.
Floyd.
Holbrook.
Lewis.

Pollard.
Strong.
Thomas.
Turner.

Nays—13.

Bailey.
Darwin.
Davis.
Doyle.
Dudley.
Murphy.
Parr.

Rice.
Ridgeway.
Stuart.
Watts.
Witt.
Wood.

Present—Not Voting.

McMillin.

Absent.

Baugh.
Bowers.

Fairchild.

Absent—Excused.

Bledsoe.
Clark.
Rogers.

Wirtz.
Woods.

S. B. No. 400 on Second Reading.

On motion of Senator Wood, by unanimous consent, the regular order was suspended, and the Senate took up out of its regular order,

S. B. No. 400, A bill to be entitled "An Act making an emergency ap-

propriation for the State Penitentiary System; providing that no part of same shall be used in or available for the payment of certain alleged notes alleged to have been executed by the Board of Prison Commissioners; and declaring an emergency."

The bill was read second time.

Senator Wood moved that the Senate rule requiring bills to be printed 24 hours be suspended.

The roll was called and the motion prevailed by the following vote:

Yeas—17.

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| Cousins. | Parr. |
| Darwin. | Ridgeway. |
| Davis. | Stuart. |
| Doyle. | Strong. |
| Dudley. | Turner. |
| Fairchild. | Watts. |
| Holbrook. | Witt. |
| McMillin. | Wood. |
| Murphy. | |

Nays—4.

| | |
|---------------------|----------|
| Burkett. | Pollard. |
| Lewis. | Woods. |
| Present—Not Voting. | |
| Floyd. | Rice. |
| Absent. | |
| Bailey. | Bowers. |
| Baugh. | Thomas. |
| Absent—Excused. | |
| Bledsoe. | Rogers. |
| Clark. | Wirtz. |

Senator Wood moved to adopt the committee report carrying the following committee amendment:

Amend S. B. No. 400 by striking out the words and figures "nine hundred thousand and no-100 (\$900,000.00)" and insert in lieu thereof the following: "six hundred thousand (\$600,000.00)."

The report was adopted.

Question recurred on the passage of the bill to engrossment.

Yeas and nays were demanded, and S. B. No. 400 was passed to engrossment by the following vote:

Yeas—16.

| | |
|------------|-----------|
| Bailey. | Parr. |
| Cousins. | Rice. |
| Davis. | Ridgeway. |
| Doyle. | Stuart. |
| Fairchild. | Turner. |
| Holbrook. | Watts. |
| McMillin. | Witt. |
| Murphy. | Wood. |

Nays—7.

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|----------|----------|
| Burkett. | Lewis. |
| Darwin. | Pollard. |
| Dudley. | Strong. |
| Floyd. | |

Present—Not Voting.

Thomas.

Absent.

Baugh.

Bowers.

Absent—Excused.

Bledsoe.
Clark.
Rogers.

Wirtz.
Woods.

H. B. No. 168—Free Conference Committee Report.

Senator Darwin submitted the Free Conference Committee Report on H. B. No. 168 as follows:

Committee Room,

Austin, Texas, March 3, 1923.

Hon. T. W. Davidson, President of the Senate, and Hon. R. E. Seagler, Speaker of the House.

Gentlemen: We, your Free Conference Committee, appointed on

H. B. No. 168, A bill to be entitled "An Act amending Sec. 23, of an Act passed at the First Called Session of the Thirty-fifth Legislature of the State of Texas, entitled 'An Act to create a permanent Text Book Commission for the State of Texas, to be styled 'The Texas State Text Book Commission,' defining its membership and appointment;' etc., being S. B. No. 16, Chapter 44 of said Acts of the First Called Session of the Thirty-fifth Legislature, and to repeal all laws in conflict herewith, and declaring an emergency."

Have had same under consideration and beg leave to report that we have adjusted the differences between the House and Senate and have adopted H. B. No. 168 as passed by the House with the following amendment, and recommend that said H. B. No. 168 be passed with the said following amendment, which is as follows:

Amend H. B. No. 168 by striking out all of line 11, Sec. 23, page 1, of the engrossed bill beginning with the word "provided" and strike out all of line 12, said Sec. 23, page 1 of said engrossed bill and strike out all of lines 1, 2, 3, 4 and 5, page 2 of the engrossed bill and insert in lieu thereof the following:

"Provided that all books in use in the public schools of this State on December 1, 1922, shall be continued in use as text books to the exclusion of all others in the public free schools of this State until August 31, 1925, and until the Text Book Commission of the State of Texas, under the provisions hereof and under existing laws, shall make valid and legal contracts otherwise; it being expressly provided that if, at the expiration of any contract or extension thereof, before August 31, 1925 by virtue of which any of such books in use on December 1, 1922 were supplied, the Text Book Commission finds after thorough examination and investigation that the prices of such books covered by such expiring contracts or expiring extensions are too high or obsolete, or otherwise detrimental to the best interests of the children in school, or that the holders of such expiring contracts or expiring extensions will not furnish the books covered thereby at the prices therein fixed, then such commission is authorized to secure said books or others, as substitutes therefor, as is provided herein and by existing law."

POPE.

GREER.

CRAWFORD.

LOFTIN.

GREEN.

On the part of the House.

THOMAS.

McMILLIN.

STUART.

DUDLEY.

WIRTZ.

DARWIN.

HOLBROOK.

On the part of the Senate.

S. B. No. 131 on Passage to Third Reading.

Senator Witt called up Senate Bill No. 131, relating to leases for oil, etc., which was read second time on yesterday and laid on the table subject to call.

The Chair laid the bill before the Senate, with pending amendment by Senator Witt.

The amendment was adopted.

(Senator Lewis in the Chair.)

Question recurred on the passage of the bill to engrossment.

Yeas and nays were demanded, and the bill was passed to engrossment by the following vote:

Yeas—12.

Darwin.

Davis.

Doyle.

Dudley.

Fairchild.

Floyd.

Lewis.

Murphy.

Strong.

Turner.

Watts.

Witt.

Nays—11.

Bailey.

Burkett.

Cousins.

Holbrook.

McMillin.

Parr.

Pollard

Rice.

Ridgeway.

Stuart.

Thomas.

Absent.

Baugh.

Bowers.

Wood.

Absent—Excused.

Bledsoe.

Clark.

Rogers.

Wirtz.

Woods.

S. B. No. 333 on Second Reading.

On motion of Senator Watts, by unanimous consent, the regular order was suspended and the Senate took up out of its regular order,

S. B. No. 333, A bill to be entitled "An Act providing that in all cases where any bond is now or may hereafter be required to be given or executed by the State Treasurer, or any of the clerks or deputies or by any county or city depository, or by any State, county or city tax collector, or by their clerks or deputies, or any other employee of the State, or any county or city therein, that said bond shall be executed by some surety or bonding company authorized to do business in this State, and that the cost of such bond shall be paid by the State, county or city of which such officer is an employee, and in addition to the salary of such officer; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time, and it was passed to engrossment.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, March 3, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: I am directed by the House
to inform the Senate that the House
has passed the following bills:

H. B. No. 375, A bill to be entitled
"An Act creating the Carbon Inde-
pendent School District in Eastland
County, Texas; defining its bounda-
ries providing for a board of trus-
tees in said district; conferring upon
said district and its board of trus-
tees all the rights, powers, privileges,
duties and liabilities now conferred
and imposed by the General Laws of
Texas upon independent school
districts, and the board of trustees
thereof; declaring that all taxes or
bonds heretofore authorized by any
former school district included with-
in the bounds thereof shall remain
in full force and effect, and declar-
ing an emergency."

H. B. No. 407, A bill to be entitled
"An Act providing for an official
shorthand reporter for the County
Court at Law No. 2, and County
Court at Law of Harris County,
Texas, and declaring an emergency."

H. B. No. 547, A bill to be entitled
"An Act to create the Bayside Colony
Independent School District in Re-
fugio and San Patricio counties,
Texas, including the present Bayside
Colony Common School District No.
7 of said counties; providing a board
of trustees therefor; vesting said in-
dependent school district and board
of trustees with all the rights, pow-
ers, privileges and duties conferred
upon independent school districts in-
corporated under the General Laws
of Texas; providing that the board
of trustees of the present Bayside
Colony Common School District No.
7 shall continue to act as such until
their successors are elected as pro-
vided herein; providing for the as-
sumption of any outstanding indebt-
edness created by the Bayside Colony
Common School District No. 7, and
declaring an emergency."

H. B. No. 588, A bill to be entitled
"An Act amending Sections 1 and 5
of Chapter 31 of the Local and Spe-
cial Laws of the State of Texas,
passed by the Thirty-sixth Legisla-
ture at its Second Called Session,
entitled 'An Act amending and re-
vising the metes and bounds of the

Raymondville Independent School
District (formerly in Cameron Coun-
ty but now in Willacy County)";
providing that all jurisdiction shall
attach to officers of Willacy County
instead of Cameron County."

H. B. No. 616, A bill to be entitled
"An Act creating the Union Hill In-
dependent School District in Swisher
County, Texas; defining its bounda-
ries; providing for a board of trus-
tees in said district; conferred upon
said district and its board of trustees
all the rights, powers, privileges and
duties now conferred and imposed by
the General Laws of Texas upon in-
dependent school districts and the
election of its first board of trustees
and their successors; providing for
the appointment of a board of equali-
zation, and tax assessor and collector
for said district, and declaring an
emergency."

H. B. No. 631, A bill to be entitled
"An Act to regulate the killing of
deer in the counties of Culberson,
Hudspeth and El Paso; defining
offenses and prescribing penalties for
the violation thereof, and declaring
an emergency."

H. B. No. 632, A bill to be entitled
"An Act to regulate the killing of
deer in the counties of Reeves, Pecos,
Jeff Davis; defining offenses and pre-
scribing penalties for the violation
thereof, and declaring an emer-
gency."

H. B. No. 634, A bill to be entitled
"An Act to regulate the killing of
deer in the counties of Terrell, Val
Verde and Kinney; defining offenses
and prescribing penalties for the
violation thereof, and declaring an
emergency."

H. B. No. 635, A bill to be entitled
"An Act to regulate the killing of
deer in the counties of Uvalde, Me-
dina, Zavala and Dimmit; defining
offenses and prescribing for the vio-
lation thereof, and declaring an
emergency."

H. B. No. 643, A bill to be entitled
"An Act creating the Brownsboro
Independent School District in Hen-
derson County, Texas; defining its
boundaries; providing for a board of
trustees in said district; conferring
upon said district and its board of
trustees all the rights, powers, priv-
ileges and duties and liabilities now
conferred and imposed by the Gen-
eral Laws of Texas upon independ-
ent school districts and the board of

trustees thereof; declaring that all taxes or bonds heretofore authorized by any former school district included within the bounds thereof shall remain in full force and effect, and declaring an emergency."

H. B. No. 644, A bill to be entitled "An Act correcting the boundaries of the present Hale Center Independent School District; providing for payment of bonds issued by the present district, and declaring an emergency."

H. B. No. 651, A bill to be entitled "An Act to create the Denson Independent School District in Williamson County, Texas, including the present Denson School District of said county, providing a board of trustees therefor; vesting said independent school district and board of trustees with all the rights and powers, privileges, and duties conferred upon independent school districts incorporated under the General Laws of Texas; providing that the board of trustees of the present Denson School District shall continue to act as such until their successors are elected and qualified in accordance with the General Laws of Texas, and declaring an emergency."

H. B. No. 652, A bill to be entitled "An Act to create the Knox City Independent School District in Knox County, Texas, including the present Knox City District of said county, providing for a board of trustees therefor; vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas providing that the board of trustees of the present Knox City District shall continue to act as such until their successors are elected in accordance with the General Laws of Texas, providing for the extension of the boundaries of said district, and declaring an emergency."

H. B. No. 660, A bill to be entitled "An Act creating and incorporating Lakeview Independent School District in Dawson County, Texas, out of territory now comprising Lakeview Common School District No. 25; defining the boundaries thereof; providing for a board of trustees, their election, terms of office, qualification, powers, duties and authority; authorizing the board of trustees to

levy, assess and collect taxes for maintenance and building purposes, and to issue bonds; providing for an assessor and collector of taxes and a board of equalization; providing that said Lakeview Independent School District shall assume and discharge any and all bonds and other indebtedness constituting valid and binding obligations of said Lakeview Common School District No. 25 of Dawson County; validating and continuing in force any and all taxes heretofore voted and now in force in such common school district; providing that title to any and all property of said common school district shall vest in the trustees of independent school district hereby created; providing for filling vacancies on the board of trustees; providing for a seal for said district; providing that the board of trustees shall be governed by the General Laws of Texas in all matters where this Act is silent; repealing all laws in conflict herewith; providing that invalidation by the courts of any section or provision of this Act shall not invalidate any remaining provisions hereof, and declaring an emergency."

H. B. No. 270, A bill to be entitled "An Act providing for the disposition of liquor seized by officers and others under the prohibition laws of the State; providing that reports in triplicate be made and the liquor and other property be left with the sheriff, and receipt taken, and the sheriff held responsible on his bond for the safe-keeping of the same, and providing penalties for the violation of this Act."

H. B. No. 336, A bill to be entitled "An Act to prevent any person, corporation, partnership, trust estate, or other legal entity, from selling or offering for sale, or causing to be offered for sale, as the publisher thereof, and the printer thereof, in the State of Texas, of any newspaper, or other publication, representing to be a newspaper, when such person, or legal entity, does not own property, not exempt from execution, and unincumbered, to an assessed value of \$10,000, within the State of Texas, and providing that when such person or legal entity shall furnish bond in the sum of \$10,000 for every such newspaper sold, or offered to be sold or caused to be offered for sale, in units or lots under 20,000, either daily or weekly, and a further bond of \$5,000 for every 10,000 over and above 20,000

or parts thereof until a maximum bond of \$25,000 shall have been furnished, such bond to be approved by the county judge of the county in which such newspaper or publication is published, and to be filed with the county clerk, and be indexed by him in a special book to be kept for that purpose, and such bond shall run in favor of such county judge, and shall be conditioned that should any judgment be rendered in any court of proper jurisdiction within the State of Texas against such person or legal entity because of alleged libelous statements contained in such newspaper or publication, that such person or legal entity shall pay to the county judge as the property, and for the use and benefit of the person recovering such judgment, as against the bond, and not to exceed the amount of the bond, and fixing a penalty, and declaring an emergency."

H. B. No. 338, A bill to be entitled "An Act to amend subdivision 3 of Article 7507 of Chapter 11, Title 126, Revised Civil Statutes of 1911, pertaining to the payment of county taxes on lands acquired and owned by the State for the purpose of establishing thereon State farms and employing thereon convict labor on State account so as to provide for the payment of taxes on such lands levied and assessed for the purpose of paying the interest on and creating a sinking fund to redeem at maturity bonds voted and sold prior to the acquisition of such land by the State, and declaring an emergency."

H. B. No. 452, A bill to be entitled "An Act amending Section 1, of Chapter 5, of the General Laws of the First Called Session of the Thirty-fifth Legislature, and providing for the fixing of an indeterminate sentence upon conviction for a felony; and providing for conditional pardon of persons convicted of felony under certain conditions."

H. B. No. 637, A bill to be entitled "An Act to amend Sec. 2 of Chapter 85 of the Local and Special Laws of the State of Texas passed at the Second Called Session of the Thirty-sixth Legislature, being 'An Act creating a more efficient road system for Wichita county, Texas, and making the county commissioners of said county ex-officio road commissioners and prescribing their duties as such; providing for the compensation of such road commissioners and defining the powers and duties of such county commissioners; provid-

ing for the maintenance of such part or parts of National and State highways as are in Wichita county; providing for the construction and maintenance of such highways through the corporate limits of incorporated cities and towns in said district; providing for the employment of a county road superintendent and defining the duties of such road superintendent; providing when the commissioners' court of said county shall order an election for the issuance of bonds for the improvement of public roads, such bonds must be designated in said order; providing for the maintenance of roads constructed with the proceeds of the sale of such bonds; providing for the compensation of county treasurer and handling funds arising from said land sales; providing the character of construction to be used for such roads; providing for eminent domain; making it optional for Wichita County to proceed to condemn land under railroad condemnation statute or to act under general law relative to opening public roads by jury of view; providing for the employment of convicts on county roads; authorizing the commissioners' court to order railway companies to ditch or drain along their rights of way in such manner as to prevent injury to the public highways; providing for liability to the county for damages resulting from hauling heavy loads on such highways; providing penalties for the obstruction or diversion of the flow of rainfall in such manner as to cause damage to the highways of said county; providing for the issuance of bonds in such manner as is provided by the general laws of the State of Texas; defining the meaning of the words 'road' and 'highway'; authorizing the investment of sinking funds of said county in bonds authorized by law; prohibiting county officials of Wichita County from becoming financially interested in contracts of said county, and prescribing penalties therefor; repealing all laws and parts of laws in conflict herewith; providing that provisions of this Act are cumulative of the General Laws of the State of Texas when not in conflict therewith; providing for the repeal of Chapter 29 of the General Laws of Texas, approved March 22, 1918, insofar as the same affects Wichita County, and declaring an emergency,' this amendment being for the purpose of providing that the road taxes, general and special, for Wichita County, and the gross regis-

tration, chauffeur and transfer fees collected on motor vehicles and the like as now or hereafter provided by law, and paid into the county depository of Wichita County to the credit of the special highways fund, shall be distributed among the forty commissioners' precincts in accordance with the residence or business address of such registrant or owner, and to be expended only upon the public roads or system within such commissioner's precinct except with the consent of the commissioner from whose precinct said funds are to be transferred; repealing all laws in conflict, and declaring an emergency."

S. C. R. No. 19, as substituted, relating to the appointment of a committee to inspect a site at Decatur for a normal college. The following committee is appointed on part of the House: McFarlane, Stewart of Jasper, and Cable.

House has adopted the report of the Free Conference Committee on H. B. No. 294.

The House has adopted the report of the Free Conference Committee on H. B. No. 168 by the following vote: 93 yeas, 22 nays.

H. B. No. 340, A bill to be entitled "An Act amending Sections 1 and 2 of Chapter 78, General Laws, Second Called Session, Thirty-sixth Legislature, as amended by Chapter 61, General Laws, First Called Session, Thirty-seventh Legislature, making it unlawful for any person directly or indirectly, to possess or receive for the purpose of sale, or to manufacture, sell, barter, exchange, transport, export, deliver, take orders for, solicit or furnish spirituous vinous, or malt liquors or medicated bitters capable of producing intoxication, or any other intoxicant whatever or to possess, receive, manufacture, sell, barter, exchange, transport, export, deliver, take orders for, solicit, or furnish any equipment, still, mash, grain, fruit, material, supplies, device or other thing for manufacturing, selling, bartering, exchanging, transporting, exporting, delivering, taking orders for, soliciting or furnishing any such liquors, intoxicants, or beverages; and making it unlawful for any person, directly or indirectly, to possess or receive for the purpose of sale, or to manufacture, sell, barter, exchange, transport, export, deliver, take orders for, solicit or furnish, spirituous vinous or malt liquors or medicated bitters, or any

potable liquor, mixture or preparation, containing in excess of one per cent. of alcohol by volume, or to possess, receive, manufacture, sell, barter, exchange, transport, export, deliver, take orders for, solicit or furnish any other thing for manufacturing, selling, bartering, exchanging, transporting, exporting, delivering, taking orders for, soliciting or furnishing any such liquors, intoxicants or beverages; making proof of possession or receipt or possession or receipt for the purpose of sale, is made unlawful in this Act; amending Chapter 78, General Laws, Second Called Session, Thirty-sixth Legislature, by adding Sec. 35a with reference to seizure and destruction of the vehicles and instrumentalities for violating the liquor laws, and declaring an emergency."

S. B. No. 54, A bill to be entitled "An Act to authorize and empower The Beaumont and Great Northern Railroad to acquire, own, maintain and operate all that certain railroad heretofore owned and operated by The Missouri, Kansas and Texas Railway Company of Texas, which railroad begins at a point in the town of Trinity, in Trinity County, Texas, and extends thence in an easterly direction through and across the counties, or parts of the counties of Trinity, Polk and Tyler, to a point in the town of Colmesneil, in Tyler County, Texas; together with the appurtenant franchise and property; and likewise to authorize the purchaser or purchasers thereof at foreclosure sale and any railroad corporation organized by such purchaser or purchasers under the laws of the State of Texas for the purpose of acquiring and which may have acquired said railroad and appurtenant property and franchises or any of them, and any other owner or owners thereof, to sell, grant, convey and deliver said railroad, together with all properties and franchises pertaining thereto, to said The Beaumont and Great Northern Railroad; further to authorize the Beaumont and Great Northern Railroad to amend its charter so as to have the right hereunder to extend said railroad, and to authorize The Beaumont and Great Northern Railroad to issue, register, sell and deliver its stock and mortgage bonds, additional to such stock and mortgage bonds as it has issued in respect of properties previously owned by it, to purchase and pay for said railroad for an amount not ex-

ceeding the value of said railroad and properties so acquired as ascertained and fixed by the Railroad Commission of Texas by its order or finding, dated about June 2, 1922, such stock and such mortgage bonds to be issued, executed, registered, sold and delivered in accordance with the Railroad stock and bond law of Texas, and declaring an emergency."

House has adopted the report of the Free Conference Committee on S. B. No. 301.

H. C. R. No. 26, relating to the adoption of the Joint Rules of the House and the Senate.

C. L. PHINNEY,
Chief Clerk, House of Representatives.

Bills Signed.

The Chair, Lieutenant Governor Davidson, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 234.
H. C. R. No. 24.
H. C. R. No. 23.
S. C. R. No. 20.
S. C. R. No. 18.
S. B. No. 377.
S. B. No. 54

Bills Read and Referred.

The Chair, Lieutenant Governor Davidson, had referred, after their captions had been read, the following House Bills:

H. B. No. 340, referred to Committee on Criminal Jurisprudence.

H. B. No. 270, referred to Committee on Criminal Jurisprudence.

H. B. No. 336, referred to Committee on Civil Jurisprudence.

H. B. No. 338, referred to Committee on State Affairs.

H. B. No. 452, referred to Committee on Criminal Jurisprudence.

H. B. No. 637, referred to Committee on Roads, Bridges and Ferries.

S. B. No. 18 on Engrossment.

Senator Murphy called up Senate Bill No. 18, relating to the punishment for burglary, which was read second time on January 17, and laid on the table subject to call.

The Chair laid the bill before the Senate, with the committee report carrying the following amendment, pending:

C. S. S. B. No. 18, A bill to be entitled "An Act to amend Article 1311 of the Penal Code of the State of Texas, 1911, relating to the punishment of the offense of burglary, by providing that the punishment shall be imprisonment in the county jail not more than twelve months or by imprisonment in the State penitentiary for a period of time not less than one year or more than twelve years."

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 1311 of the Penal Code of the State of Texas, 1911, be amended so as to hereafter read as follows:

Article 1311. The punishment for burglary shall be imprisonment in the county jail not more than twelve months or by imprisonment in the State penitentiary for a period of time not less than one year or more than twelve years."

Question: Shall the committee report be adopted?

Yeas and nays were demanded, and the roll was called as follows:

Yeas—12.

| | |
|------------|---------|
| Bailey. | Floyd. |
| Burkett. | Lewis. |
| Cousins. | Murphy. |
| Davis. | Parr. |
| Doyle. | Strong. |
| Fairchild. | Thomas. |

Nays—6.

| | |
|-----------|---------|
| Holbrook. | Stuart. |
| McMillin. | Turner. |
| Pollard. | Witt. |

Absent.

| | |
|---------|-----------|
| Baugh. | Rice. |
| Bowers. | Ridgeway. |
| Darwin. | Watts. |
| Dudley. | Wood. |

Absent—Excused.

| | |
|----------|--------|
| Bledsoe. | Wirtz. |
| Clark. | Woods. |
| Rogers | |

The Secretary announced no quorum was present.

Adjournment.

On motion of Senator Dudley, the Senate at 4:10 p. m. adjourned until 10 o'clock a. m. Monday.

APPENDIX.**Committee Reports.**

Senate Chamber,
Austin, Texas, March 3, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 402 carefully compared and find same to be correctly engrossed.

STRONG, Chairman.

Senate Chamber,
Austin, Texas, March 3, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 252 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, March 3, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 322 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, March 3, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 411 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, March 3, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 121 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, March 3, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill

No. 357 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, March 3, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Joint Resolution No. 13 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, March 3, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 390 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, March 3, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 234 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, March 3, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 8 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, March 3, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 379 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, March 3, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 406 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, March 3, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 275 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, March 3, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 134 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, March 3, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 310 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, March 3, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 338 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Committee Room,
Austin, Texas, March 3, 1923.
Hon. T. W. Davidson, President of the
Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 452, A bill to be entitled "An Act amending Section 1 of Chapter 5, of the General Laws of the First Called Session of the Thirty-fifth Legislature, and providing for the fixing of an indeterminate sentence upon conviction for a felony; and providing for conditional pardon of persons convicted of felony under certain conditions."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass, and that it be not printed as S. B. No. 285 on the same subject matter is already printed.

Turner, Parr, Davis, Strong, Ridgeway, Witt.

Committee Room,
Austin, Texas, March 3, 1923.
Hon. T. W. Davidson, President of the
Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred for consideration H. B. No. 340, and entitled, A bill to be entitled

"An Act amending Sections 1 and 2 of Chapter 78, General Laws, Second Called Session, Thirty-sixth Legislature, as amended by Chapter 61, General Laws, First Called Session, Thirty-seventh Legislature, making it unlawful for any person, directly or indirectly, to possess or receive for the purpose of sale, or to manufacture, sell, barter, exchange, transport, export, deliver, take orders for, solicit or furnish spirituous vinous, or malt liquors or medicated bitters capable of producing intoxication, or any other intoxicant whatever, or to possess, receive, manufacture, sell, barter, exchange, transport, export, deliver, take orders for, solicit or furnish any equipment, still, mash, grain, fruit, material, supplies, device or other thing for manufacturing, selling, bartering, exchanging, transporting, exporting, delivering, taking orders for, soliciting or furnishing any such liquors, intoxicants or beverages; and making it unlawful for any person, directly, or indirectly, to possess or receive for the purpose of sale, or to manufacture, sell, barter, exchange, transport, export, deliver, take orders for, solicit or furnish, spirituous, vinous or malt liquors or medicated bitters, or any potable liquor mixture or preparation, containing in excess of one per cent of alcohol by volume, or to possess, receive, manufacture, sell, barter, exchange, transport, export, deliver, taking orders for, solicit or furnish any equipment, still, mash, grain, fruit, material, supplies, device or other thing for manufacturing, selling, bartering, exchanging, transporting, exporting, delivering, taking orders for, soliciting, or furnishing any such liquors, intoxicants, or beverages; making proof of possession prima facie evidence of guilt in all cases where possession or receipt for the purpose of sale, is made unlawful in this Act; amending Chapter 78, General Laws, Second Called Session, Thirty-sixth Legislature, by adding Sec. 35a with reference to seizure and destruction of

the vehicles and instrumentalities for violating the liquor laws, and declaring an emergency."

Have had the same under consideration and I have been ordered by a majority of said committee to report that said bill be passed with two committee amendments, No.'s 1 and 2, annexed to this report, and that said bill be not printed, but that it be printed in the Journal.

TURNER, Chairman.

(Committee Amendment No. 1.)

Amend H. B. No. 340 by inserting between the figure "2" and the word "wherever" in line 28 of page 2 thereof the following words and figures, to-wit:

"That Sections 1 and 2 of Chapter 78 of the General Laws of the Second Called Session of the Thirty-sixth Legislature, as amended by Chapter 61, General Laws of the First Called Session of the Thirty-seventh Legislature be and the same are hereby amended by adding thereto another section to be known as "Sec. 2e," reading as follows: "Sec. 2e."

(Committee Amendment No.2.)

Amend the Caption of H. B. No. 340 by inserting between the semicolon and the word "making" in line 32, page 1 thereof, the following words and figures: "and be further amended by adding thereto Sec. 2e."

Committee Room,

Austin, Texas, March 2, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 218, A bill to be entitled "An Act to define what shall constitute a unit of weight or measure of all commodities purchased or sold by length, weight or measure; providing for the sale of commodities by State standards of weight or measure; providing for the sale of hay by weight; establishing a standard for bread sold in loaves; providing penalties for the enforcement of this law; repealing certain statutes, and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the

recommendation that it do pass, and that this bill be printed in the Journal.

TURNER, Chairman.

Committee Room,

Austin, Texas, March 2, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 495, A bill to be entitled "An Act to amend Article 7235, Chapter 6, Title 124, Revised Civil Statutes of Texas, 1911, as amended by Chapter 72, General Laws of the Thirty-third Legislature, and Chapters 26 and 99, General Laws of the Thirty-fourth Legislature, and Chapter 131, General Laws of the Thirty-fifth Legislature, and Chapter 10 of the Third Called Session of the Thirty-fifth Legislature, and Chapter 13 of the Fourth Called Session of the Thirty-fifth Legislature, and Chapter 35 of the Acts of the Regular Session of the Thirty-sixth Legislature, and Chapter 105 of the Acts of the Regular Session of the Thirty-sixth Legislature, and Chapter 50 of the General Laws of the Third Called Session of the Thirty-sixth Legislature, and Chapter 32 of the General Laws of the Regular Session of the Thirty-seventh Legislature, and Chapter 10 of the General Laws of the First Called Session of the Thirty-seventh Legislature, with reference to the mode of preventing horses and certain other animals from running at large in the counties named so as to include Leon, Refugio and Fort Bend counties.

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and that this bill be printed in the Journal.

TURNER, Chairman.

Committee Room,

Austin, Texas, March 3, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 420, A bill to be entitled "An Act providing for the purchase of a medal for each Texas soldier and sailor who served in the late war between the United States and Ger-

many; providing for the appointment of a commission to adopt a suitable design for such medal; making an appropriation therefor; and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be printed in the Journal.

DUDLEY, Chairman.

Committee Room,
Austin, Texas, March 3, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred H. B. No. 540, A bill to be entitled "An Act to fix the salaries of the judge of the County Court of Dallas County at Law No. 1 and of the judge of the County Court of Dallas County at Law No. 2, and prescribe the method of payment."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and that it be not printed, as Senate Bill No. 328 on the same subject matter is already printed.

POLLARD, Chairman.

Committee Room,
Austin, Texas, March 3, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred H. B. No. 666, A bill to be entitled "An Act to amend Chapter Eighteen, Special Laws, Thirty-seventh Legislature, First Called Session, incorporating the Fruitvale Independent School District in Van Zandt County, Texas, providing for the maintenance of elementary schools in said district, and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WOOD, Chairman.

Committee Room,
Austin, Texas, March 3, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 510, A bill to be entitled "An Act to increase and fix the salary

of the superintendent of public instruction of Dallas County, Texas; providing for office expenses; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,
Austin, Texas, March 3, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 600, A bill to be entitled "An Act to amend Chapter 16 of the Local and Special Laws passed at the Regular Session of the Thirtieth Legislature, the same being an Act to create the Tullia Independent School District in Swisher County, Texas, adding thereto Section 6a, validating bond elections heretofore held and bonds issued thereunder; and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,
Austin, Texas, March 3, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 570, A bill to be entitled "An Act changing and enlarging the boundaries of Elmo Independent School District in Kaufman County and providing for an election to adjust the territory thus added to taxes which may be now levied upon the property of said Elmo Independent School District and for an assumption by said Elmo Independent School District of the pro rata of taxes to which the territory added to said Elmo Independent School District by this Act may be subject by reason of any outstanding bond issue or bond issues previously voted by any school district or school districts of which such added territory may have heretofore formed a part;

defining the powers of said Elmo Independent School District, and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, March 3, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 608, A bill to be entitled "An Act to create the Carta Valley Independent School District in Edwards and Val Verde Counties, Texas, providing a board of trustees therefor, vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas; providing that the board of trustees of the existing school in said district shall continue to act as such until their successors are elected in accordance with the General Laws of Texas, and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, March 3, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 491, A bill to be entitled "An Act creating and establishing the Spanish Fort Independent School District in Montague County, Texas; defining its boundaries; providing for a board of trustees in said district; continuing in office the board of trustees as heretofore elected in said district until the expiration of their respective terms of office; vesting title of said board of trustees to all school property in said district; conferring upon said district and its board of trustees all of the rights,

powers, privileges and duties now conferred and imposed by the General Laws of Texas upon independent school districts and the boards of trustees thereof; providing for a seal, and for the selection of a secretary, treasurer and the assessor and collector of taxes; for a board of equalization, and prescribing its duties, etc.; and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, March 3, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 609, A bill to be entitled "An Act to amend Section 2, Chapter 22, Acts of the Thirtieth Legislature, Regular Session, re-defining the boundaries of the San Saba Independent School District, and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, March 3, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 610, A bill to be entitled "An Act to amend Section 1 of Chapter 3, Local and Special Laws, Third Called Session, Thirty-sixth Legislature, amending and revising the metes and bounds of the Morgan Independent School District in Shackelford and Callahan counties, Texas; and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and, being a local bill that it be not printed.

WOOD, Chairman.

Committee Room,
Austin, Texas, March 3, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 620, A bill to be entitled "An Act creating Pontotoc Common County Line School District No. 31 of Mason, San Saba and Llano Counties and placing the same under the management and control of Llano County; defining the powers of said district; providing for election of the first board of trustees of said district; providing for an election to determine whether or not a special school tax for maintenance purposes shall be levied upon the property contained in said district, and to determine whether the several outstanding obligations which may exist against the several territories and the portion of territory of other districts embraced in this district shall be assumed in whole and pro rata by this district, and taxes levied upon the property of this district to provide for such indebtedness and pro rata thereof; making alternative provision for the protection of all such indebtedness; abolishing existing school districts wholly included within its boundaries; and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,
Austin, Texas, March 3, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 622, A bill to be entitled "An Act to create the Spicewood Independent School District in Burnet County, Texas, including the present Spicewood District No. 21 of said county, providing a board of trustees therefor, vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon Independent school districts incorporated under the General Laws of Texas, providing that the board of

trustees of the present Spicewood District No. 21 shall continue to act as such until their successors are elected in accordance with the General Laws of Texas, and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,
Austin, Texas, March 3, 1923.
Hon. T. W. Davidson, President of the
Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 551, A bill to be entitled "An Act amending Section 2 of Chapter 72 of the Local and Special Laws of the State of Texas passed by the Thirty-eighth Legislature at its Regular Session, said Act being an Act creating the Tynan Independent School District in Bee County, San Patricio and Live Oak Counties, Texas; said Act being amended by changing boundaries of said district set out in Section 2 thereof and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,
Austin, Texas, March 3, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 589, A bill to be entitled "An Act creating the San Margarita Independent School District in Wilbacy County, Texas; and defining its boundaries; providing for the election of a board of trustees therefor; providing for the election of a secretary, treasurer, assessor and collector of taxes and all other necessary officers and committees and prescribing their qualifications; investing said district with all the rights, powers, privileges and duties of a town or village incorporated under the General Laws of the State

for free school purposes only; and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, March 3, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 582, A bill to be entitled "An Act creating the Fairview Independent School District in Wichita County, Texas; defining the boundaries; providing for board of trustees for said independent school district; describing their qualifications and terms of office; defining the rights, powers and privileges of said board; and conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the General Laws of the State of Texas upon independent school districts and the board of trustees thereof; providing for the creation of a board of trustees; providing for the raising of revenues; declaring valid a maintenance tax heretofore voted; and providing for the assessment and collection of said tax and for a board of equalization of said school district and providing for the election of trustees thereof; providing for the transportation of pupils under certain conditions and repealing all laws in so far as they may be in conflict herewith, and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, March 3, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 596. A bill to be entitled "An Act validating a certain issue of

schoolhouse bonds aggregating \$5,000.00 bearing interest at 6% per annum, voted by Common School District No. 7 of Lynn County on July 23, 1921; validating the election voting such bonds, all orders of the Commissioners, Court of Lynn County in respect to such election and such bonds, and in addition all orders levying taxes to support the same; and declaring an emergency.

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, March 2, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 449, A bill to be entitled "An Act to amend an Act of the Thirty-first Legislature, First Called Session, Chapter 5, Special Laws, entitled 'An Act creating an independent school district to be known as the Goliad Independent School District, including within its limits the unincorporated town of Goliad, in Goliad County, and to provide for a board of trustees and other officers of such district, to authorize the board of trustees to levy, assess and collect special taxes, and to issue and dispose of bonds of such district for the purpose of purchasing school sites, and erecting, repairing, furnishing and equipping school buildings within the same, and to pay current expenses in the maintenance and support of the public schools therein, and and to further prescribe the duties and authority of said board of trustees, and declaring an emergency,' and by this amended Act to provide for the assumption by the Goliad Independent School District as hereby created of all outstanding indebtedness now existing against same, and to provide for the payment of the outstanding indebtedness against Common School District No. 2, Goliad County, and declaring an emergency," said Act to be so amended as to hereafter read as follows:

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,
Austin, Texas, March 2, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 339, A bill to be entitled "An Act making all fees of office, other than those provided in Title 58 of the Revised Civil Statutes of 1911, known as the 'Fee Bill,' ex-officio fees of office, and provided said ex-officio fees shall be in addition to the maximum salary for office holders now provided in said title, and repealing all laws in conflict herewith, and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,
Austin, Texas, March 2, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 285, A bill to be entitled "An Act to amend Article 610, Revised Statutes, as amended by Chapter 47, Acts of the Regular Session of the Thirty-seventh Legislature, prescribing purposes for which counties may issue bonds; amending Articles 611, 612, 617 and 621, Chapter 1, Title 18, Revised Statutes 1911, relating to the issuance of county and city bonds; adding to Chapter 1, Title 18, Revised Statutes, designated as Articles 610a, 610b, 610c, 610d, 610e, authorizing counties, towns, cities, school districts and improvement districts to refund bonds now or hereafter outstanding; providing that nothing in this Act shall be construed as invalidating any bond elections previously ordered or held or any bonds issued and sold by any county, city, town or district; and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,
Austin, Texas, March 2, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 539, A bill to be entitled

"An Act to increase the civil jurisdiction of the County Court of Hockley County and unorganized county of Cochran, and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

BAILEY, Chairman.

Committee Room,
Austin, Texas, March 2, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 416, A bill to be entitled "An Act prohibiting the Board of Prison Commissioners from making any payment, settlement, trade or transaction whatsoever with respect to three certain notes heretofore executed by the Board of Prison Commissioners in the sum of \$31,250.00 each, dated December 11, 1920, payable to the Fort Bend Cotton Oil Company or order, and claimed to have been executed by the Board of Prison Commissioners in part payment for certain cottonseed oil mill properties situated in Richmond, Fort Bend County, Texas, claimed to have been purchased by the Board of Prison Commissioners from the Fort Bend Cotton Oil Company, and one certain other note in the sum of \$39,000.00 payable to Bassett Blakely or order and executed by the Board of Prison Commissioners in part payment for certain mules and horses purchased from Bassett Blakely by the Board of Prison Commissioners in January, 1921; and creating an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed, but be printed in the Journal.

BAILEY, Chairman.

THIRTY-NINTH DAY

Senate Chamber,
Austin, Texas,
Monday, March 5, 1923.
The Senate met at 10 o'clock, a. m., pursuant to adjournment, and was called to order by Lieutenant Governor T. W. Davidson.

The roll was called, a quorum being present, the following Senators answering to their names: